

AMENDED IN SENATE APRIL 21, 2003

SENATE BILL

No. 360

Introduced by Senator Figueroa
(Coauthor: Senator Vincent)
(Coauthors: Assembly Members Correa and Nation)

February 19, 2003

~~An act to amend Section 7303 of the Business and Professions Code, relating to barbering and cosmetology.~~ *An act to amend Sections 125.9, 7303.1, 7309, 7313, 7317, 7319.5, 7321, 7321.5, 7324, 7326, 7330, 7332, 7333, 7334, 7335, 7336, 7337, 7337.5, 7338, 7340, 7341, 7342, 7344, 7353, 7354, 7355, 7356, 7357, 7359, 7362, 7362.1, 7362.2, 7362.3, 7364, 7365, 7366, 7367, 7389, 7389.5, 7395.1, 7396, 7400, 7401, 7403, 7405, 7406, 7407, 7408, 7409, 7410, 7414.1, 7414.3, 7414.4, 7414.6, 7415, 7421, and 7422 of, to add Sections 7303.2, and 7403.5 to, to repeal Sections 7331.5, 7340.5, 7390, 7391, 7392, 7393, 7394, 7395, 7416, and 7423.5 of, and to repeal and add Sections 7331 and 7423 to, the Business and Professions Code, relating to barbering and cosmetology, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 360, as amended, Figueroa. Barbering and cosmetology.

(1) Existing law authorizes specified boards, bureaus, and commissions to establish regulations whereby the board, bureau, or commission, in specified circumstances, may impose an administrative fine not exceeding \$2,500 upon its licensees. Existing law requires these administrative fines to be deposited into the special fund of the appropriate board, bureau, or commission.

This bill would increase the amount of this administrative fine to \$5,000. Because these administrative fines would be deposited into a

special fund of the particular board, bureau, or commission, some of which are continuously appropriated, the bill would make an appropriation.

(2) Existing law, the Barbering and Cosmetology Act, establishes the State Board of Barbering and Cosmetology in the Department of Consumer Affairs consisting of 9 members. Existing law requires the board, subject to the approval of the Director of Consumer Affairs, to appoint an executive officer to perform the duties delegated by the board. ~~Existing law provides that these provisions become inoperative on July 1, 2007 and are repealed on January 1, 2008.~~

~~This bill would extend these provisions to an unspecified date.~~

Existing law requires that a person who fails to qualify for admission to an examination because the person's practice does not fulfill specified requirements be given credit for study and training obtained that is substantially the same as the study and training required by the state.

This bill would repeal this provision and would instead authorize the board to grant a license to an applicant who submits a completed application with the necessary fee, proof of a valid license issued by another state, and proof that the applicant has not been disciplined by another state.

(3) Existing law requires that a cosmetology or barbering instructor training course shall consist of not less than 600 hours of practical training and technical experience. Existing law authorizes an individual to take the barbering or cosmetology instructor's examination if that person has, among other things, submitted an application and paid the appropriate fee to the board, completed the 12th grade, and has a valid license to practice. Existing law requires a licensed instructor to complete 30 clock hours of continuing education. Existing law excludes an instructor from complying with continuing education requirements if his or her license is inactive.

This bill would repeal these provisions.

(4) Existing law specifies the licensing fees for cosmetologists, estheticians, manicurists, and other individuals licensed by the act.

This bill would require that the application fee and examination fee for individuals licensed by this act shall be the actual cost to the board for developing, purchasing, grading, and administering the appropriate examination. The bill would authorize the director to immediately close any establishment which, upon inspection, poses an immediate threat to public health and safety. The bill would require, not



later than September 1, 2005, the board to conduct various studies, some in conjunction with the Office of Examination Resources and some in coordination with Department of Industrial Relations, and report the results to the Legislature and the Joint Legislative Sunset Review Committee. The bill would delete obsolete provisions and make conforming changes.

Vote: majority. Appropriation: ~~no~~—yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1.—Section 7303 of the Business and Professions~~
2 SECTION 1. Section 125.9 of the Business and Professions
3 Code is amended to read:
4 125.9. (a) Except with respect to persons regulated under
5 Chapter 11 (commencing with Section 7500), and Chapter 11.6
6 (commencing with Section 7590) of Division 3, any board,
7 bureau, or commission within the department, the board created by
8 the Chiropractic Initiative Act, and the Osteopathic Medical Board
9 of California, may establish, by regulation, a system for the
10 issuance to a licensee of a citation which may contain an order of
11 abatement or an order to pay an administrative fine assessed by the
12 board, bureau, or commission where the licensee is in violation of
13 the applicable licensing act or any regulation adopted pursuant
14 thereto.
15 (b) The system shall contain the following provisions:
16 (1) Citations shall be in writing and shall describe with
17 particularity the nature of the violation, including specific
18 reference to the provision of law determined to have been violated.
19 (2) Whenever appropriate, the citation shall contain an order of
20 abatement fixing a reasonable time for abatement of the violation.
21 (3) In no event shall the administrative fine assessed by the
22 board, bureau, or commission exceed ~~two thousand five hundred~~
23 ~~five thousand~~ dollars ~~—(\$2,500)~~ (\$5,000) for each inspection or
24 each investigation made with respect to the violation, or ~~two~~
25 ~~thousand five hundred~~ ~~five thousand~~ dollars ~~(\$2,500)~~ (\$5,000) for
26 each violation or count if the violation involves fraudulent billing
27 submitted to an insurance company, the Medi-Cal program, or
28 Medicare. In assessing a fine, the board, bureau, or commission
29 shall give due consideration to the appropriateness of the amount

1 of the fine with respect to factors such as the gravity of the
2 violation, the good faith of the licensee, and the history of previous
3 violations.

4 (4) A citation or fine assessment issued pursuant to a citation
5 shall inform the licensee that if he or she desires a hearing to
6 contest the finding of a violation, that hearing shall be requested
7 by written notice to the board, bureau, or commission within 30
8 days of the date of issuance of the citation or assessment. If a
9 hearing is not requested pursuant to this section, payment of any
10 fine shall not constitute an admission of the violation charged.
11 Hearings shall be held pursuant to Chapter 5 (commencing with
12 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
13 Code.

14 (5) Failure of a licensee to pay a fine within 30 days of the date
15 of assessment, unless the citation is being appealed, may result in
16 disciplinary action being taken by the board, bureau, or
17 commission. Where a citation is not contested and a fine is not
18 paid, the full amount of the assessed fine shall be added to the fee
19 for renewal of the license. A license shall not be renewed without
20 payment of the renewal fee and fine.

21 (c) The system may contain the following provisions:

22 (1) A citation may be issued without the assessment of an
23 administrative fine.

24 (2) Assessment of administrative fines may be limited to only
25 particular violations of the applicable licensing act.

26 (d) Notwithstanding any other provision of law, if a fine is paid
27 to satisfy an assessment based on the finding of a violation,
28 payment of the fine shall be represented as satisfactory resolution
29 of the matter for purposes of public disclosure.

30 (e) Administrative fines collected pursuant to this section shall
31 be deposited in the special fund of the particular board, bureau, or
32 commission.

33 *SEC. 2. Section 7303.1 of the Business and Professions Code*
34 *is amended to read:*

35 7303.1. Protection of the public shall be the highest priority
36 for the ~~Bureau~~ Board of Barbering and Cosmetology in exercising
37 its licensing, regulatory, and disciplinary functions. Whenever the
38 protection of the public is inconsistent with other interests sought
39 to be promoted, the protection of the public shall be paramount.

1 SEC. 3. Section 7303.2 is added to the Business and
2 Professions Code, to read:

3 7303.2. The board shall conduct the following studies and
4 reviews, and shall report its findings and recommendations to the
5 department and the Joint Legislative Sunset Review Committee no
6 later than September 1, 2005:

7 (a) The board, pursuant to Section 139 and in conjunction with
8 the Office of Examination Resources of the department, shall
9 review the 1600 hour training requirement for cosmetologists.

10 (b) The board, in conjunction with the Office of Examination
11 Resources of the department, shall evaluate the equivalency of the
12 national exam.

13 (c) The board shall conduct a study to assess the costs and
14 benefits associated with requiring all applicants to submit
15 fingerprint cards for background investigations.

16 (d) The board, in coordination with the Department of
17 Industrial Relations, shall review all components of the
18 apprenticeship program, including but not limited to, the
19 following:

20 (1) Apprenticeship curriculum requirements.

21 (2) The standards for the pre-apprentice trainers, program
22 sponsors, trainers, and placement establishments. The board shall
23 pay particular attention to ways to eliminate duplicative
24 regulations.

25 (e) The board shall review all components of the externship
26 program. In addition to structural changes, the board shall
27 address the following:

28 (1) Whether the program should be eliminated.

29 (2) Whether the program should be available to all students,
30 not just cosmetology students attending private schools.

31 (3) Whether the students should be paid.

32 (f) The board shall assess the costs and benefits associated with
33 same day licensing. If the board determines that the benefits of
34 same day licensing outweigh the costs, the board shall immediately
35 plan and implement safety measures to protect site staff and
36 undispersed licenses.

37 (g) The board, in conjunction with the Office of Examination
38 Resources of the department, shall assess the validity of aggregate
39 scoring for board applicants.

1 SEC. 4. *Section 7309 of the Business and Professions Code is*
2 *amended to read:*

3 7309. The board shall establish a principal office, and may
4 establish branch offices and examination facilities in the state as
5 may be deemed necessary for the ~~bureau~~ board to conduct its
6 business.

7 SEC. 5. *Section 7313 of the Business and Professions Code is*
8 *amended to read:*

9 7313. (a) (1) To ensure compliance with the laws and
10 regulations of this chapter, the board's executive officer and
11 authorized representatives shall, except as provided by Section
12 159.5, have access to, and shall inspect, any establishment or
13 mobile unit *during business hours or* at any time in which
14 barbering, cosmetology, or electrolysis are being performed. It is
15 the intent of the Legislature that inspections be conducted on
16 Saturdays and Sundays as well as weekdays, if collective
17 bargaining agreements and civil service provisions permit.

18 (2) The board shall maintain a program of random and targeted
19 inspections of establishments to ensure compliance with
20 applicable laws relating to the public health and safety and the
21 conduct and operation of establishments. The board or its
22 authorized representatives shall inspect establishments to
23 reasonably determine compliance levels and to identify market
24 conditions that require targeted enforcement. The board shall not
25 reduce the number of employees assigned to perform random
26 inspections, targeted inspections, and investigations relating to
27 field operations below the level funded by the annual Budget Act
28 and described in supporting budget documents, and shall not
29 redirect funds or personnel-years allocated to those inspection and
30 investigation purposes to other purposes.

31 (b) To ensure compliance with health and safety requirements
32 adopted by the board, the executive officer and authorized
33 representatives shall, except as provided in Section 159.5, have
34 access to, and shall inspect the premises of, all schools in which the
35 practice of barbering, cosmetology, or electrolysis is performed on
36 the public. ~~Notices of violation~~ Citations shall be issued to schools
37 for violations of regulations governing conditions related to the
38 health and safety of patrons. ~~Each notice shall specify the section~~
39 ~~violated and a timespan within which the violation must be~~
40 ~~corrected.~~ A copy of the ~~notice of violation~~ citation shall be

1 provided to the ~~Council~~ Bureau for Private Postsecondary and
2 Vocational Education.

3 (c) With prior written authorization from the board or its
4 executive officer, any member of the board may enter and visit, in
5 his or her capacity as a board member, any establishment, during
6 business hours or at any time when barbering, cosmetology, or
7 electrolysis is being performed. The visitation by a board member
8 shall be for the purpose of conducting official board business, but
9 shall not be used as a basis for any licensing disciplinary action by
10 the board.

11 *SEC. 6. Section 7317 of the Business and Professions Code is*
12 *amended to read:*

13 7317. Except as provided in this article, it is unlawful for any
14 person, firm, or corporation to engage in barbering, cosmetology,
15 or electrolysis for compensation without a valid, unexpired license
16 issued by the ~~bureau~~ board, or in an establishment or mobile unit
17 other than one licensed by the ~~bureau~~ board, or conduct or operate
18 an establishment, or any other place of business in which
19 barbering, cosmetology, or electrolysis is practiced unless licensed
20 under this chapter. Persons licensed under this chapter shall limit
21 their practice and services rendered to the public to only those
22 areas for which they are licensed. Any violation of this section is
23 a misdemeanor.

24 *SEC. 7. Section 7319.5 of the Business and Professions Code*
25 *is amended to read:*

26 7319.5. Students engaged in performing services on the
27 public while enrolled in a school approved by the ~~bureau~~ board
28 shall not be required to be licensed under this chapter if they
29 perform those services at the approved school in which they are
30 enrolled.

31 *SEC. 8. Section 7321 of the Business and Professions Code is*
32 *amended to read:*

33 7321. The ~~bureau~~ board shall admit to examination for a
34 license as a cosmetologist to practice cosmetology any person who
35 has made application to the ~~bureau~~ board in proper form, paid the
36 fee required by this chapter, and is qualified as follows:

37 (a) Is not less than 17 years of age.

38 (b) Has completed the 10th grade in the public schools of this
39 state or its equivalent.

40 (c) Is not subject to denial pursuant to Section 480.

(d) Has done any of the following:

(1) Completed a course in cosmetology from a school approved by the ~~bureau~~ board.

(2) Practiced cosmetology as defined in this chapter outside of this state for a period of time equivalent to the study and training of a qualified person who has completed a course in cosmetology from a school the curriculum of which complied with requirements adopted by the ~~bureau~~ board. Each three months of practice shall be deemed the equivalent of 100 hours of training for qualification under paragraph (1) of this subdivision.

(3) Holds a license as a barber in this state and has completed a cosmetology crossover course in a school approved by the ~~bureau~~ board.

(4) Completed a barbering course in a school approved by the ~~bureau~~ board and has completed a cosmetology crossover course in a school approved by the ~~bureau~~ board.

(5) Completed the apprenticeship program in cosmetology specified in Article 4 (commencing with Section 7332).

SEC. 9. Section 7321.5 of the Business and Professions Code is amended to read:

7321.5. The ~~bureau~~ board shall admit to examination for a license as a barber to practice barbering, any person who has made application to the ~~bureau~~ board in proper form, paid the fee required by this chapter, and is qualified as follows:

(a) Is not less than 17 years of age.

(b) Has completed the 10th grade in the public schools of this state or its equivalent.

(c) Is not subject to denial pursuant to Section 480.

(d) Has done any of the following:

(1) Completed a course in barbering from a school approved by the ~~bureau~~ board.

(2) Completed an apprenticeship program in barbering approved by the ~~bureau~~ board as conducted under the provisions of the Shelley-Maloney Apprentice Labor Standards Act of 1939, Chapter 4 (commencing with Section 3070) of Division 3 of the Labor Code.

(3) Practiced barbering as defined in this chapter outside of this state for a period of time equivalent to the study and training of a qualified person who has completed a course in barbering from a school the curriculum of which complied with requirements

1 adopted by the ~~bureau~~ board. Each three months of practice shall
2 be deemed the equivalent of 100 hours of training for qualification
3 under paragraph (1).

4 (4) Holds a license as a cosmetologist in this state and has
5 completed a barber crossover course in a school approved by the
6 ~~bureau~~ board.

7 (5) Completed a cosmetology course in a school approved by
8 the ~~bureau~~ board and has completed a barber crossover course in
9 a school approved by the ~~bureau~~ board.

10 (6) Completed comparable military training as documented by
11 submission of Verification of Military Experience and Training
12 (V-MET) records.

13 *SEC. 10. Section 7324 of the Business and Professions Code*
14 *is amended to read:*

15 7324. The ~~bureau~~ board shall admit to examination for a
16 license as an esthetician to practice skin care, any person who has
17 made application to the ~~bureau~~ board in proper form, paid the fee
18 required by this chapter, and is qualified as follows:

19 (a) Is not less than 17 years of age.

20 (b) Has completed the 10th grade in the public schools of this
21 state or its equivalent.

22 (c) Is not subject to denial pursuant to Section 480.

23 (d) Has done any of the following:

24 (1) Completed a course in skin care from a school approved by
25 the ~~bureau~~ board.

26 (2) Practiced skin care, as defined in this chapter, outside of this
27 state for a period of time equivalent to the study and training of a
28 qualified person who has completed a course in skin care from a
29 school the curriculum of which complied with requirements
30 adopted by the ~~bureau~~ board. Each three months of practice shall
31 be deemed the equivalent of 100 hours of training for qualification
32 under paragraph (1).

33 (3) Completed the apprenticeship program in skin care
34 specified in Article 4 (commencing with Section 7332).

35 *SEC. 11. Section 7326 of the Business and Professions Code*
36 *is amended to read:*

37 7326. The ~~bureau~~ board shall admit to examination for a
38 license as a manicurist to practice nail care, any person who has
39 made application to the ~~bureau~~ board in proper form, paid the fee
40 required by this chapter, and is qualified as follows:

- 1 (a) Is not less than 17 years of age.
- 2 (b) Has completed the 10th grade in the public schools of this
- 3 state or its equivalent.
- 4 (c) Is not subject to denial pursuant to Section 480.
- 5 (d) Has done any of the following:
- 6 (1) Completed a course in nail care from a school approved by
- 7 the ~~bureau~~ board.
- 8 (2) Practiced nail care, as defined in this chapter, outside of this
- 9 state for a period of time equivalent to the study and training of a
- 10 qualified person who has completed a course in nail care from a
- 11 school the curriculum of which complied with requirements
- 12 adopted by the ~~bureau~~ board. Each three months of practice shall
- 13 be deemed the equivalent of 100 hours of training for qualification
- 14 under paragraph (1).
- 15 (3) Completed the apprenticeship program in nail care
- 16 specified in Article 4 (commencing with Section 7332).
- 17 *SEC. 12. Section 7330 of the Business and Professions Code*
- 18 *is amended to read:*
- 19 7330. The ~~bureau~~ board shall admit to examination for a
- 20 license as an electrologist to practice electrolysis, any person who
- 21 has made application to the ~~bureau~~ board in proper form, paid the
- 22 fee required by this chapter, and is qualified as follows:
- 23 (a) Is not less than 17 years of age.
- 24 (b) Has completed the 12th grade or an accredited senior high
- 25 school course of study in public schools of this state or its
- 26 equivalent.
- 27 (c) Is not subject to denial pursuant to Section 480.
- 28 (d) Has done any of the following:
- 29 (1) Completed a course of training in electrolysis from a school
- 30 approved by the ~~bureau~~ board.
- 31 (2) Practiced electrolysis, as defined in this chapter, for a period
- 32 of 18 months outside of this state within the time equivalent to the
- 33 study and training of a qualified person who has completed a
- 34 course in electrolysis from a school the curriculum of which
- 35 complied with requirements adopted by the ~~bureau~~ board. Each
- 36 three months of practice shall be deemed the equivalent of 100
- 37 hours of training for qualification under paragraph (1).
- 38 (3) Completed the apprenticeship program in electrology
- 39 specified in Article 4 (commencing with Section 7332).



SEC. 13. Section 7331 of the Business and Professions Code is repealed.

~~7331. Any person who fails to qualify for admission to an examination because the person's practice outside this state does not fulfill the requirements of this chapter shall receive credit for that practice or study and training outside this state, or for the number of hours of study and training completed outside this state, which is substantially equivalent to the study and training required in this state, as determined by the bureau.~~

~~Those persons shall be qualified for examination upon completion of supplementary study and training in an approved school in this state.~~

SEC. 14. Section 7331 is added to the Business and Professions Code, to read:

7331. The board may grant a license to practice to an applicant if the applicant submits all of the following to the board:

(a) A completed application form and all fees required by the board.

(b) Proof of a current license issued by another state to practice that is not revoked or suspended or otherwise restricted.

(c) Proof that the applicant has not been subject to disciplinary action by any state in which he or she is or has been previously licensed to practice. If the applicant has been subject to disciplinary action, the board shall review that action to determine if it warrants refusal to issue a license to the applicant.

(d) Any other information as specified by the board to the extent it is required of applicants for licensure by examination under this article.

SEC. 15. Section 7331.5 of the Business and Professions Code is repealed.

~~7331.5. It is the intent of the Legislature that no law which may hereafter be enacted increasing the number of hours of training in a school approved by the bureau or the length of training in an apprenticeship program approved by the bureau which are required for eligibility for any examination shall apply to a person who on the effective date of the law is a student in, or has completed the prescribed course of study in, a school or is an apprentice in an apprentice program. This section shall not apply to a person who does not apply for and take the first examination for which he or she is eligible occurring after the effective date of~~

1 ~~the law, unless compliance with this requirement is waived by the~~
2 ~~bureau for good cause as defined in regulations.~~

3 *SEC. 16. Section 7332 of the Business and Professions Code*
4 *is amended to read:*

5 7332. An apprentice is any person who is licensed by the
6 ~~bureau~~ board to engage in learning or acquiring a knowledge of
7 barbering, cosmetology, skin care, nail care, or electrology, in a
8 licensed establishment under the supervision of a licensee
9 approved by the ~~bureau~~ board.

10 *SEC. 17. Section 7333 of the Business and Professions Code*
11 *is amended to read:*

12 7333. The apprentice training program shall be conducted in
13 compliance with the Shelley-Maloney Apprentice Labor
14 Standards Act of 1939, Chapter 4 (commencing with Section
15 3070) of Division 3 of the Labor Code, according to
16 apprenticeship standards approved by the administrator of
17 apprenticeship. A copy of the act shall be maintained on file with
18 the ~~bureau~~ board.

19 *SEC. 18. Section 7334 of the Business and Professions Code*
20 *is amended to read:*

21 7334. (a) The ~~bureau~~ board may license as an apprentice in
22 barbering, cosmetology, skin care, or nail care any person who has
23 made application to the ~~bureau~~ board upon the proper form, has
24 paid the fee required by this chapter, and who is qualified as
25 follows:

26 (1) Is over 16 years of age.

27 (2) Has completed the 10th grade in the public schools of this
28 state or its equivalent.

29 (3) Is not subject to denial pursuant to Section 480.

30 (4) Has submitted evidence acceptable to the ~~bureau~~ board that
31 any training the apprentice is required by law to obtain shall be
32 conducted in a licensed establishment and under the supervision
33 of a licensee approved by the ~~bureau~~ board.

34 (b) The ~~bureau~~ board may license as an apprentice in
35 electrolysis any person who has made application to the ~~bureau~~
36 board upon the proper form, has paid the fee required by this
37 chapter, and who is qualified as follows:

38 (1) Is not less than 17 years of age.

39 (2) Has completed the 12th grade or an accredited senior high
40 school course of study in schools of this state or its equivalent.

1 (3) Is not subject to denial pursuant to Section 480.

2 (4) Has submitted evidence acceptable to the ~~bureau~~ board that
3 any training the apprentice is required by law to obtain shall be
4 conducted in a licensed establishment and under the supervision
5 of a licensee approved by the ~~bureau~~ board.

6 (c) All persons making application as an apprentice in
7 barbering shall also complete a minimum of 39 hours of
8 preapprentice training in a facility approved by the ~~bureau~~ board
9 prior to serving the general public.

10 (d) All persons making application as an apprentice in
11 cosmetology, skin care, nail care, or electrology shall also
12 complete minimum preapprentice training for the length of time
13 established by the ~~bureau~~ board in a facility approved by the
14 ~~bureau~~ board prior to serving the general public.

15 (e) Apprentices may only perform services on the general
16 public for which they have received technical training.

17 (f) Apprentices shall be required to obtain at least the minimum
18 hours of technical instruction and minimum number of practical
19 operations for each subject as specified in ~~bureau~~ board
20 regulations for courses taught in schools approved by the ~~bureau~~
21 board, in accordance with Sections 3074 and 3078 of the Labor
22 Code.

23 *SEC. 19. Section 7335 of the Business and Professions Code*
24 *is amended to read:*

25 7335. (a) The license of an apprentice shall expire two years
26 from the date the license was issued, or on the date the apprentice
27 is issued a license following the license examination, or if the
28 apprentice fails the license examination twice, on the date the
29 results of the second examination are issued, whichever occurs
30 first.

31 (b) No person holding a license as an apprentice shall work
32 more than three months after completing the required training
33 without applying for and taking the examination for licensure.

34 (c) The ~~bureau~~ board may extend the two-year or three-month
35 period described in subdivisions (a) and (b) upon a showing of
36 good cause which shall include, but not be limited to, delays in
37 applying for and taking the examination caused by the illness of,
38 or accident to, the apprentice, or service in the armed forces of the
39 United States.

1 SEC. 20. *Section 7336 of the Business and Professions Code*
2 *is amended to read:*

3 7336. An apprentice may do any or all of the acts for which
4 he or she is licensed only in the licensed establishment and under
5 the supervision and employment of a licensee approved by the
6 ~~bureau~~ board.

7 SEC. 21. *Section 7337 of the Business and Professions Code*
8 *is amended to read:*

9 7337. Every application for admission to examination and
10 licensure shall be in writing, on forms prepared and furnished by
11 the ~~bureau~~ board.

12 Each application shall be accompanied by the required fee, and
13 shall contain proof of the qualifications of the applicant for
14 examination and licensure. It shall be verified by the oath of the
15 applicant. Every applicant shall, as a condition of admittance to the
16 examination facility, present satisfactory proof of identification.
17 Satisfactory proof of identification shall be in the form of a valid,
18 unexpired driver's license or identification card, containing the
19 photograph of the person to whom it was issued, issued by any
20 state, federal, or other government entity.

21 SEC. 22. *Section 7337.5 of the Business and Professions Code*
22 *is amended to read:*

23 7337.5. (a) The ~~bureau~~ board shall adopt regulations
24 providing for the submittal of applications for admission to
25 examination of students of approved cosmetology, electrology, or
26 barbering schools who have completed at least 75 percent of the
27 required course clock hours and curriculum requirements (60
28 percent for students of the manicurist course), or any person
29 licensed as an apprentice in barbering, cosmetology, skin care, or
30 nail care who has completed at least 75 percent of the required
31 apprenticeship training hours. The regulations shall include
32 provisions that ensure that all proof of qualifications of the
33 applicant is received by the ~~bureau~~ board before the applicant is
34 examined.

35 (b) An application for examination submitted by a student of an
36 approved cosmetology, electrology, or barbering school under this
37 section shall be known as a "school preapplication" and an
38 additional preapplication fee may be required.

39 (c) An application for examination submitted by a person
40 licensed as an apprentice in barbering, cosmetology, skin care, or

1 nail care shall be known as an “apprenticeship preapplication”
2 and an additional fee may be required.

3 (d) The ~~bureau~~ board shall administer the licensing
4 examination not later than 10 working days after graduation from
5 an approved cosmetology, electrology, or barbering school to
6 students who have submitted an application for admission for
7 examination under the preapplication procedure, or not later than
8 10 working days after completion of an approved barbering,
9 cosmetology, skin care, or nail care apprenticeship program for a
10 person licensed as an apprentice.

11 *SEC. 23. Section 7338 of the Business and Professions Code*
12 *is amended to read:*

13 7338. The examination of applicants for a license shall
14 include both a practical demonstration and a written test and shall
15 embrace the subjects typically taught in a program approved by the
16 ~~bureau~~ board.

17 The examination shall not be confined to any particular system
18 or method. It shall be consistent in both practical and technical
19 requirements, and of sufficient thoroughness to satisfy the ~~bureau~~
20 board as to the applicant’s skill in, and knowledge of, the practice
21 of the occupation or occupations for which a license is sought.

22 In the conduct and grading of examinations, practical
23 demonstrations shall prevail over written tests.

24 The scope of examinations shall be consistent with the
25 definition of the activities licensed under this chapter, and shall be
26 as the ~~bureau~~ board, by regulation, may require to protect the
27 health and safety of consumers of the services provided by
28 licensees.

29 The ~~bureau’s~~ board’s examinations shall be limited to clearly
30 job-related questions, activities, and practical services.
31 Examinations shall also include written tests in antisepsis,
32 disinfection, sanitation, the use of mechanical apparatus and
33 electricity as applicable to the practice of barbering, cosmetology,
34 or electrolysis. They may include other demonstrations and tests
35 as the ~~bureau~~ board, in its discretion, may require.

36 *SEC. 24. Section 7340 of the Business and Professions Code*
37 *is amended to read:*

38 7340. All examinations shall be prepared by or under the
39 direction of the ~~bureau~~ board. The ~~bureau~~ board shall establish
40 standards and procedures governing administration and grading

1 and shall exercise supervision as may be necessary to assure
2 compliance therewith.

3 *SEC. 25. Section 7340.5 of the Business and Professions Code*
4 *is repealed.*

5 ~~7340.5. The department shall monitor the examination~~
6 ~~process and, in association with the board, shall report to the~~
7 ~~Legislature by July 1, 1994, on the efficiency of the examination~~
8 ~~process pursuant to Sections 7338 and 7340.~~

9 *SEC. 26. Section 7341 of the Business and Professions Code*
10 *is amended to read:*

11 7341. The ~~bureau~~ board shall mail or deliver to every person
12 failing any examination provided for in this chapter the total grade
13 received on the examination.

14 An unsuccessful applicant for licensure, after taking an
15 examination and within 90 days after the results thereof have been
16 declared, shall have the right to inspect his or her examination
17 paper in the city in which the examination was taken.

18 *SEC. 27. Section 7342 of the Business and Professions Code*
19 *is amended to read:*

20 7342. Licenses in the practice of the occupation for which the
21 license was sought shall be issued by the ~~bureau~~ board to any
22 applicant who satisfactorily passes an examination, who possesses
23 the other qualifications required by law and who has remitted the
24 license fee required by this chapter. The license shall entitle the
25 holder to engage in the practice of that occupation in a licensed
26 establishment. The license shall be issued by the ~~bureau~~ board on
27 the same day that the applicant satisfactorily passes the
28 examination.

29 *SEC. 28. Section 7344 of the Business and Professions Code*
30 *is amended to read:*

31 7344. The ~~bureau~~ board may contract or otherwise arrange for
32 reasonably required physical accommodations and facilities to
33 conduct examinations.

34 *SEC. 29. Section 7353 of the Business and Professions Code*
35 *is amended to read:*

36 7353. (a) (1) Within 90 days after issuance of the
37 establishment license, the ~~bureau~~ board or its agents or assistants
38 shall inspect the establishment for compliance with the applicable
39 requirements of this chapter and the applicable rules and

regulations of the bureau adopted pursuant to this chapter. ~~The bureau~~

(2) *The board may inspect the establishment for which a license application has been made prior to the issuance of the license.*

(b) *The board shall maintain a program of random and targeted inspections of establishments to ensure compliance with applicable laws relating to the public health and safety and the conduct and operation of establishments.* ~~The bureau~~

(c) *The board or its authorized representatives shall inspect establishments to reasonably determine compliance levels and to identify market conditions that require targeted enforcement.* ~~The bureau~~

(d) *The board shall not reduce the number of employees assigned to perform random inspections, targeted inspections, and investigations relating to field operations below the level funded by the annual Budget Act and described in supporting budget documents, and shall not redirect funds or personnel-years allocated to those inspection and investigation purposes to other purposes.*

SEC. 30. *Section 7354 of the Business and Professions Code is amended to read:*

7354. For purposes of this article, “mobile unit” means any self-contained, self-supporting, enclosed mobile unit which is at least 24 feet in length which is licensed as an establishment for the practice of any occupation licensed by the ~~bureau~~ board and which complies with this article and all health and safety regulations established by the ~~bureau~~ board.

SEC. 31. *Section 7355 of the Business and Professions Code is amended to read:*

7355. (a) Any person, firm, or corporation desiring to operate a mobile unit shall make an application to the ~~bureau~~ board for a license containing the information and data set forth in subdivision (b). The applicant, if an individual, or each officer, director, and partner, if the applicant is other than an individual, shall not have committed acts or crimes which are grounds for denial of licensure pursuant to Section 480. A license issued pursuant to this section shall authorize the operation of the unit only within those geographical boundaries designated by the ~~bureau~~ board. Operation of the unit outside of the geographical boundaries for which the license is issued shall be unlawful, unless

1 a license for the expanded geographic area has been obtained upon
2 compliance with this article applicable to the issuance of a license
3 in the first instance.

4 (b) Each application shall include the following:

5 (1) A detailed floor plan showing the location of doors,
6 windows, restroom facilities, sinks, lift or ramps, ventilation,
7 equipment, and dimensions of the mobile unit in compliance with
8 this article.

9 (2) Proof of purchase or lease of the mobile unit and shop
10 equipment.

11 (3) The required fee.

12 (4) Copies of applicable county and city licenses or permits to
13 provide the mobile barbering, cosmetology, or electrolysis
14 services in each county and city of operation and the locations
15 therein where the services will be offered.

16 (5) Proof of compliance with applicable city, county, and state
17 plumbing, electrical, and fire laws.

18 (6) Proof of a valid California driver's license issued to an
19 officer or employee responsible for driving the mobile unit.

20 (7) A permanent base address from which the mobile unit shall
21 operate.

22 (c) After initial approval of the floor plan and application has
23 been granted, the applicant shall schedule an appointment to show
24 the mobile unit to the ~~bureau~~ board, or representative of the
25 ~~bureau~~ board, for final approval.

26 *SEC. 32. Section 7356 of the Business and Professions Code*
27 *is amended to read:*

28 7356. An application to transfer ownership or control of an
29 existing licensed mobile unit shall be filed by the purchaser or
30 lessor with the ~~bureau~~ board within 10 days after purchase. Each
31 application shall include the following:

32 (a) A detailed floor plan showing the location of doors,
33 windows, restroom facilities, sinks, lift or ramps, ventilation,
34 equipment, and dimensions of the mobile unit.

35 (b) Bills of sale or lease documents proving purchase or lease
36 of existing equipment and the mobile unit.

37 (c) The existing mobile unit license.

38 (d) The required fee.

(e) Copies of applicable city and county licenses or permits to provide the mobile services in each county and city of operation issued in the new owner's name.

(f) Proof of compliance with applicable city, county, and state plumbing, electrical, and fire laws.

(g) Proof of a valid California driver's license issued to an officer or employee responsible for driving the mobile unit.

SEC. 33. Section 7357 of the Business and Professions Code is amended to read:

7357. (a) Mobile units shall comply with regulations adopted by the ~~bureau~~ board that assure that the unit shall be kept clean, in good repair, and in compliance with this article.

(b) Each mobile unit shall be equipped with each of the following functioning systems:

(1) A self-contained, potable water supply. The potable water tanks shall be not less than 100 gallons, and the holding tanks shall be of adequate capacity. In the event of depletion of potable water, operation shall cease until the supply is replenished.

(2) Continuous, on-demand hot water tanks which shall be not less than six-gallon capacity.

(3) Self-contained, recirculating, flush chemical toilet with holding tank.

(4) A covered galvanized, stainless steel, or other noncorrosive metal container for purposes of depositing hair clippings, refuse, and other waste materials.

(5) A split-lead generator with a remote starter, muffler, and a vent to the outside.

(6) A sealed combustible heater with an outside vent.

SEC. 34. Section 7359 of the Business and Professions Code is amended to read:

7359. It is unlawful for any person, firm or corporation to hire, employ, allow to be employed, or permit to work, in or about a mobile unit, any person who performs or practices any occupation regulated under this chapter who is not duly licensed by the ~~bureau~~ board.

Any person violating this section is guilty of a misdemeanor.

SEC. 35. Section 7362 of the Business and Professions Code is amended to read:

7362. (a) A school approved by the ~~bureau~~ board is one which is licensed by the ~~Council~~ Bureau for Private Postsecondary

1 and Vocational Education, or a public school in this state, and
2 provides a course of instruction approved by the ~~bureau~~ board.

3 (b) The ~~bureau~~ board shall determine by regulation the
4 required subjects of instruction to be completed in all approved
5 courses, including the minimum hours of technical instruction and
6 minimum number of practical operations for each subject, and
7 shall determine how much training is required before a student
8 may begin performing services on paying patrons.

9 *SEC. 36. Section 7362.1 of the Business and Professions Code*
10 *is amended to read:*

11 7362.1. A school of cosmetology approved by the ~~bureau~~
12 board shall also meet all of the following:

13 (a) Possess the equipment and floor space necessary for
14 comprehensive instruction of 25 cosmetology students or the
15 number of students enrolled in the course, whichever is greater.

16 (b) Have entered on the roll of a proposed school of
17 cosmetology at least 25 bona fide, full-time students for the
18 cosmetology course. For purposes of this section, a bona fide,
19 full-time student is a person who has been entered on the roll of a
20 proposed school of cosmetology and has committed to attend a full
21 course in cosmetology.

22 (c) Maintain a course of practical training and technical
23 instruction for the full cosmetology course as specified in this
24 chapter and in ~~bureau~~ board regulations. A course of instruction
25 in any branch of cosmetology shall be taught in a school of
26 cosmetology.

27 *SEC. 37. Section 7362.2 of the Business and Professions Code*
28 *is amended to read:*

29 7362.2. A school of barbering approved by the ~~bureau~~ board
30 shall also do all of the following:

31 (a) Possess the equipment and floor space necessary for
32 comprehensive instruction of 15 barber students or the number of
33 students enrolled in the course, whichever is greater.

34 (b) Have entered on the roll of a proposed school of barbering
35 at least 15 bona fide, full-time students for the barbering course.
36 For purposes of this section, a bona fide, full-time student is a
37 person who has been entered on the roll of a proposed school of
38 barbering and has committed to attend a full course in barbering.

(c) Maintain a course of practical training and technical instruction for the full barbering course as specified in this chapter and in ~~bureau~~ board regulations.

SEC. 38. Section 7362.3 of the Business and Professions Code is amended to read:

7362.3. A school of electrology approved by the ~~bureau~~ board shall also do all of the following:

(a) Possess the equipment and floor space necessary for comprehensive instruction of five electrology students or the number of students enrolled in the course, whichever is greater.

(b) Have entered on the roll of a proposed school of electrology at least five bona fide, full-time students for the electrology course. For purposes of this section, a bona fide, full-time student is a person who has been entered on the roll of a proposed school of electrology and has committed to attend a full course in electrology.

(c) Maintain a course of practical training and technical instruction for the full electrology course as specified in this chapter and in ~~bureau~~ board regulations.

SEC. 39. Section 7364 of the Business and Professions Code is amended to read:

7364. A skin care course established by a school shall consist of not less than 600 hours of practical training and technical instruction in accordance with a curriculum established by ~~bureau~~ board regulation.

SEC. 40. Section 7365 of the Business and Professions Code is amended to read:

7365. A nail care course established by a school shall consist of not less than 350 hours of practical training and technical instruction in accordance with a curriculum established by ~~bureau~~ board regulation.

SEC. 41. Section 7366 of the Business and Professions Code is amended to read:

7366. An electrolysis course established by a school shall consist of not less than 600 hours of practical training and technical instruction in accordance with a curriculum established by ~~bureau~~ board regulation.

SEC. 42. Section 7367 of the Business and Professions Code is amended to read:

1 7367. For students who change from one program of
2 instruction to another, the ~~bureau~~ board shall grant credit for
3 training obtained in one course that is identical to training required
4 in another course.

5 SEC. 43. Section 7389 of the Business and Professions Code
6 is amended to read:

7 7389. The ~~bureau~~ board shall develop or adopt a health and
8 safety course on hazardous substances which shall be taught in
9 schools approved by the ~~bureau~~ board. Course development shall
10 include pilot testing of the course and training classes to prepare
11 instructors to effectively use the course.

12 SEC. 44. Section 7390 of the Business and Professions Code
13 is repealed.

14 ~~7390. A cosmetology or barbering instructor training course~~
15 ~~shall consist of not less than 600 hours of practical training and~~
16 ~~technical instruction in accordance with a curriculum established~~
17 ~~by bureau regulation.~~

18 SEC. 45. Section 7391 of the Business and Professions Code
19 is repealed.

20 ~~7391. The bureau shall admit to examination for license as a~~
21 ~~cosmetology or barbering instructor any person who has made~~
22 ~~application to the bureau in the proper form, who has paid the fee~~
23 ~~required by this chapter, and who meets the following~~
24 ~~qualifications:~~

25 ~~(a) Has completed the 12th grade or an accredited senior high~~
26 ~~school course of study in public schools of this state or its~~
27 ~~equivalent.~~

28 ~~(b) Is not subject to denial pursuant to Section 480.~~

29 ~~(c) Holds a valid license to practice cosmetology or barbering~~
30 ~~in this state.~~

31 ~~(d) Has done at least one of the following:~~

32 ~~(1) Completed a cosmetology or barbering instructor training~~
33 ~~course in an approved school in this state or equivalent training in~~
34 ~~an approved school in another state.~~

35 ~~(2) Completed not less than the equivalent of 10 months of~~
36 ~~practice as a teacher assistant or teacher aide in a school approved~~
37 ~~by the bureau.~~

38 ~~(3) Practiced cosmetology or barbering in a licensed~~
39 ~~establishment in this state for a period of one year within the three~~
40 ~~years immediately preceding application, or its equivalent in~~

1 ~~another state. An applicant using practical experience to qualify~~
2 ~~under this section shall submit an affidavit signed by his or her~~
3 ~~employers attesting to the qualifying experience.~~

4 *SEC. 46. Section 7392 of the Business and Professions Code*
5 *is repealed.*

6 ~~7392. Each licensed instructor shall complete at least 30 clock~~
7 ~~hours of continuing education in the teaching of vocational~~
8 ~~education during each two-year licensing period. This section does~~
9 ~~not apply to an instructor who holds a credential to teach~~
10 ~~vocational education full time in a public school in this state.~~

11 ~~For purposes of this section, programs designed for continuing~~
12 ~~education in the teaching of vocational education may include, but~~
13 ~~not be limited to, development of understanding and competency~~
14 ~~in the learning process, instructional techniques, curriculum and~~
15 ~~media, instructional evaluation, counseling and guidance, and the~~
16 ~~special needs of students.~~

17 ~~The bureau shall adopt regulations establishing standards for~~
18 ~~the approval of continuing education courses and for the effective~~
19 ~~administration and enforcement of its continuing education~~
20 ~~requirements.~~

21 *SEC. 47. Section 7393 of the Business and Professions Code*
22 *is repealed.*

23 ~~7393. As a condition of the renewal of the license of an~~
24 ~~instructor, the bureau may periodically require instructors to~~
25 ~~demonstrate current competence through continuing education as~~
26 ~~provided for in this chapter.~~

27 *SEC. 48. Section 7394 of the Business and Professions Code*
28 *is repealed.*

29 ~~7394. The bureau's continuing education requirements shall~~
30 ~~not apply to instructors whose licenses are on inactive status~~
31 ~~according to the records maintained by the bureau.~~

32 ~~Instructors whose licenses are on inactive status may not be~~
33 ~~employed as instructors in schools approved by the bureau.~~

34 ~~Instructors whose licenses are on inactive status must complete~~
35 ~~at least 30 hours of continuing education in the teaching of~~
36 ~~vocational education as a condition of reinstatement to active~~
37 ~~status.~~

38 *SEC. 49. Section 7395 of the Business and Professions Code*
39 *is repealed.*

~~7395. If an instructor with an active license status does not provide proof of compliance with the continuing education requirements provided for in this chapter within 45 days of a request from the bureau, the instructor's license shall revert to inactive status until proof of compliance is provided to the bureau.~~

SEC. 50. *Section 7395.1 of the Business and Professions Code is amended to read:*

7395.1. (a) A student who is enrolled in a school of cosmetology approved by the ~~Council~~ Bureau for Private Postsecondary and Vocational Education in a course approved by the ~~bureau~~ board may, upon completion of a minimum of 60 percent of the clock hours required for graduation in the course, work as an unpaid extern in a cosmetology establishment participating in the educational program of the school of cosmetology.

(b) A person working as an extern shall receive clock hour credit toward graduation, but that credit shall not exceed eight hours per week and shall not exceed 10 percent of the total clock hours required for completion of the course.

(c) The externship program shall be conducted in cosmetology establishments meeting all of the following criteria:

(1) The establishment is licensed by the ~~bureau~~ board.

(2) The establishment has a minimum of four licensees working at the establishment, including employees and owners or managers.

(3) All licensees at the establishment are in good standing with the ~~bureau~~ board.

(4) Licensees working at the establishment work for salaries or commissions rather than on a space rental basis.

(5) No more than one extern shall work in an establishment for every four licensees working in the establishment. No regularly employed licensee shall be displaced or have his or her work hours reduced or altered to accommodate the placement of an extern in an establishment. Prior to placement of the extern, the establishment shall agree in writing sent to the school and to all affected licensees that no reduction or alteration of any licensee's current work schedule shall occur. This shall not prevent a licensee from voluntarily reducing or altering his or her work schedule.

(6) Externs shall wear conspicuous school identification at all times while working in the establishment, and shall carry a school

1 laminated identification, that includes a picture, in a form
2 approved by the ~~bureau~~ board.

3 (d) (1) A school participating in the externship program shall
4 provide the participating establishment and the extern with a
5 syllabus containing applicable information specified in Section
6 73880 of Title 5 of the California Code of Regulations. The extern,
7 the school, and the establishment shall agree to the terms of and
8 sign the syllabus prior to the extern beginning work at the
9 establishment. No less than 90 percent of the responsibilities and
10 duties of the extern shall consist of the acts included within the
11 practice of cosmetology as defined in Section 7316.

12 (2) The establishment shall consult with the assigning school
13 regarding the extern's progress during the unpaid externship. The
14 owner or manager of the establishment shall monitor and report on
15 the student's progress to the school on a regular basis, with
16 assistance from supervising licensees.

17 (3) A participating school shall assess the extern's learning
18 outcome from the externship program. The school shall maintain
19 accurate records of the extern's educational experience in the
20 externship program and records that indicate how the extern's
21 learning outcome translates into course credit.

22 (e) Participation in an externship program made available by a
23 school shall be voluntary, may be terminated by the student at any
24 time, and shall not be a prerequisite for graduation.

25 (f) The cosmetology establishment that chooses to utilize the
26 extern is liable for the extern's general liability insurance, as well
27 as cosmetology malpractice liability insurance, and shall furnish
28 proof to the participating school that the establishment is covered
29 by both forms of liability insurance and that the extern is covered
30 under that insurance.

31 (g) (1) It is the purpose of the externship program authorized
32 by this section to provide students with skills, knowledge, and
33 attitudes necessary to acquire employment in the field for which
34 they are being trained, and to extend formalized classroom
35 instruction.

36 (2) Instruction shall be based on skills, knowledge, attitudes,
37 and performance levels in the area of cosmetology for which the
38 instruction is conducted.

39 (3) An extern may perform only acts listed within the definition
40 of the practice of cosmetology as provided in Section 7316, if a

1 licensee directly supervises those acts, except that an extern may
2 not use or apply chemical treatments unless the extern has received
3 appropriate training in application of those treatments from an
4 approved cosmetology school. An extern may work on a paying
5 client only in an assisting capacity and only with the direct and
6 immediate supervision of a licensee.

7 (4) The extern shall not perform any work in a manner that
8 would violate law.

9 *SEC. 51. Section 7396 of the Business and Professions Code*
10 *is amended to read:*

11 7396. The form and content of a license issued by the ~~bureau~~
12 *board* shall be determined in accordance with Section 164.

13 The license shall prominently state that the holder is licensed as
14 a barber, cosmetologist, esthetician, manicurist, electrologist, or
15 apprentice, ~~barber instructor, or cosmetology instructor~~ and shall
16 *contain a photograph of the licensee.*

17 *SEC. 52. Section 7400 of the Business and Professions Code*
18 *is amended to read:*

19 7400. Every licensee of the ~~bureau~~ *board*, except
20 establishments shall, within 30 days after a change of address,
21 notify the ~~bureau~~ *board* of the new address, and, upon receipt of
22 the notification, the ~~bureau~~ *board* shall make the necessary
23 changes in the register.

24 *SEC. 53. Section 7401 of the Business and Professions Code*
25 *is amended to read:*

26 7401. (a) An individual licensed pursuant to Section 7396
27 shall report to the ~~bureau~~ *board* at the time of license renewal, his
28 or her practice status, designated as one of the following:

29 (1) Full-time practice in California.

30 (2) Full-time practice outside of California.

31 (3) Part-time practice in California.

32 (4) Not working in the industry.

33 (5) Retired.

34 (6) Other practice status, as may be further defined by the
35 ~~bureau~~ *board*.

36 (b) An individual licensed pursuant to Section 7396 shall, at the
37 time of license renewal, identify himself or herself on the
38 application as one of the following:

39 (1) Employee.

40 (2) Independent contractor or booth renter.

1 (3) Salon owner.

2 (c) An individual licensed pursuant to Section 7347 shall report
3 to the ~~bureau~~ board at the time of license renewal, whether either
4 of the following is applicable to him or her:

5 (1) He or she has a booth renter operating in the establishment.

6 (2) He or she has an independent contractor operating in the
7 establishment.

8 (d) The ~~bureau~~ board shall report to the Senate Committee on
9 Business and Professions and the Assembly Committee on
10 Business and Professions within five years after the
11 implementation of the provisions of this section on the licensee
12 information collected, including an assessment of whether a
13 certain type of licensee is more likely to receive complaints or
14 citations, or to fail to pay taxes, and any recommendation on how
15 to remedy problems found.

16 *SEC. 54. Section 7403 of the Business and Professions Code*
17 *is amended to read:*

18 7403. (a) The ~~bureau~~ board may revoke, suspend, or deny at
19 any time any license required by this chapter on any of the grounds
20 for disciplinary action provided in this article. The proceedings
21 under this article shall be conducted in accordance with Chapter
22 5 (commencing with Section 11500) of Part 1 of Division 3 of Title
23 2 of the Government Code, and the ~~bureau~~ board shall have all the
24 powers granted therein.

25 (b) In any case in which the administrative law judge
26 recommends that the ~~bureau~~ board revoke, suspend or deny a
27 license, the administrative law judge may, upon presentation of
28 suitable proof, order the licensee to pay the ~~bureau~~ board the
29 reasonable costs of the investigation and adjudication of the case.
30 For purposes of this section, “costs” include charges by the ~~bureau~~
31 board for investigating the case, charges incurred by the office of
32 the Attorney General for investigating and presenting the case, and
33 charges incurred by the Office of Administrative Hearings for
34 hearing the case and issuing a proposed decision.

35 (c) The costs to be assessed shall be fixed by the administrative
36 law judge and shall not, in any event, be increased by the ~~bureau~~
37 board. When the ~~bureau~~ board does not adopt a proposed decision
38 and remands the case to an administrative law judge, the
39 administrative law judge shall not increase the amount of any costs
40 assessed in the proposed decision.

(d) The ~~bureau~~ board may enforce the order for payment in the superior court in the county where the administrative hearing was held. This right of enforcement shall be in addition to any other rights the ~~bureau~~ board may have as to any licensee directed to pay costs.

(e) In any judicial action for the recovery of costs, proof of the ~~bureau's~~ board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(f) Notwithstanding any other provision of law, all costs recovered under this section shall be deposited in the ~~bureau's~~ board's contingent fund as a scheduled reimbursement in the fiscal year in which the costs are actually recovered.

SEC. 55. Section 7403.5 is added to the Business and Professions Code, to read:

7403.5. (a) In addition to the authority provided by Sections 494 and 7403, the executive officer, in his or her discretion, may upon written notice immediately close any establishment which, upon completion of an inspection, is found to have health and safety violations of such a severe nature as to pose an immediate threat to public health and safety.

(b) The executive officer shall issue a written notice of suspension of the establishment license including the grounds therefor and a notice of closure. The notice of closure shall be posted at the establishment so as to be clearly visible to the general public and to patrons.

(c) Upon issuance of the written notice of suspension of the establishment license, the establishment shall immediately close to the general public and to patrons and shall discontinue all operations until the suspension has been vacated by the executive officer, the suspension expires, is superseded by an order issued under the authority of Section 494, or until the establishment no longer operates under this chapter.

(d) (1) Before issuing a suspension order under this section, the executive officer shall, if practical, give the establishment notice and an opportunity to be heard. If no hearing is provided prior to the issuance of the suspension order, the establishment may request one after the suspension has been issued.

(2) Notice and hearing under this section may be oral or written, including notice and hearing by telephone, facsimile

1 transmission, or other electronic means as the circumstances
2 permit.

3 (e) Upon correction of violations the establishment may
4 request that the written notice of suspension be terminated. The
5 executive officer shall conduct an inspection within 48 hours to
6 determine whether the written notice of suspension may be
7 terminated. If the written notice of suspension is not terminated
8 upon inspection for failure of the establishment to correct
9 violations, a charge of one hundred dollars (\$100) shall be imposed
10 for each subsequent inspection under this section.

11 (f) The notice of suspension shall remain posted until removed
12 by the executive officer, but shall be in effect for no longer than 30
13 days. Removal of the notice of suspension by any person other than
14 the executive officer or designated representative, or the refusal of
15 an establishment to close upon issuance of the written notice of
16 suspension of the establishment license is a violation of this
17 chapter and may result in any sanctions authorized by this chapter.

18 *SEC. 56. Section 7404 of the Business and Professions Code*
19 *is amended to read:*

20 7404. The grounds for disciplinary action are as follows:

21 (a) Unprofessional conduct which includes, but is not limited
22 to, any of the following:

23 (1) Incompetence or gross negligence, including failure to
24 comply with generally accepted standards for the practice of
25 barbering, cosmetology, or electrology or disregard for the health
26 and safety of patrons.

27 (2) Repeated similar negligent acts.

28 (3) Conviction of any crime substantially related to the
29 qualifications, functions, or duties of the license holder, in which
30 case, the records of conviction or a certified copy shall be
31 conclusive evidence thereof.

32 (4) Advertising by means of knowingly false or deceptive
33 statements.

34 (b) Failure to comply with the requirements of this chapter.

35 (c) Failure to comply with the rules governing health and safety
36 adopted by the ~~bureau~~ board and approved by the State
37 Department of Health Services, for the regulation of
38 establishments, or any practice licensed and regulated under this
39 chapter.

(d) Failure to comply with the rules adopted by the ~~bureau~~ board for the regulation of establishments, or any practice licensed and regulated under this chapter.

(e) Continued practice by a person knowingly having an infectious or contagious disease.

(f) Habitual drunkenness, habitual use of or addiction to the use of any controlled substance.

(g) Obtaining or attempting to obtain practice in any occupation licensed and regulated under this chapter, or money, or compensation in any form, by fraudulent misrepresentation.

(h) Failure to display the license or health and safety rules and regulations in a conspicuous place.

(i) Engaging, outside of a licensed establishment and for compensation in any form whatever, in any practice for which a license is required under this chapter, except that when such service is provided because of illness or other physical or mental incapacitation of the recipient of the service and when performed by a licensee obtained for the purpose from a licensed establishment.

(j) Permitting a license to be used where the holder is not personally, actively, and continuously engaged in business.

(k) The making of any false statement as to a material matter in any oath or affidavit, which is required by the provisions of this chapter.

(l) Refusal to permit or interference with an inspection authorized under this chapter.

(m) Any action or conduct which would have warranted the denial of a license.

(n) Failure to surrender a license that was issued in error or by mistake.

SEC. 57. Section 7405 of the Business and Professions Code is amended to read:

7405. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this article. The ~~bureau~~ board may order the license suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing

the person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

SEC. 58. Section 7406 of the Business and Professions Code is amended to read:

7406. In addition to the authority to conduct disciplinary proceedings under this chapter, the ~~bureau~~ board, through its duly authorized representatives, shall have authority to assess administrative fines for the violation of any section of this chapter or the violation of any rules and regulations adopted by the ~~bureau~~ board under this chapter.

SEC. 59. Section 7407 of the Business and Professions Code is amended to read:

7407. The ~~bureau~~ board shall establish by regulation a schedule of administrative fines for violations of this chapter. All moneys collected under this section shall be deposited in the ~~bureau's board's~~ contingent fund.

The schedule shall indicate for each type of violation whether, in the ~~bureau's board's~~ discretion, the violation can be corrected. *The board shall review and revise the schedule of administrative fines for violations by January 1, 2005. The board shall ensure that it and the Bureau for Private Postsecondary and Vocational Education do not issue citations for the same violation.*

SEC. 60. Section 7408 of the Business and Professions Code is amended to read:

7408. The ~~bureau~~ board, through its duly authorized representatives, shall issue a citation with respect to any violation for which an administrative fine may be assessed. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the specific provision alleged to have been violated. The administrative fine, if any, shall attach at the time the citation is written. The citation shall include an order to correct any condition or violation which lends itself to correction, as determined by the ~~bureau~~ board pursuant to Section 7406.

SEC. 61. Section 7409 of the Business and Professions Code is amended to read:

7409. Any licensee served with a citation may avoid the payment of the associated administrative fine by presentation of written proof satisfactory to the ~~bureau~~ board, or its ~~bureau~~ chief

1 *executive officer*, that the violation has been corrected. This
2 provision applies only to a licensee's first violation in any
3 three-year period of any single provision of this chapter or the rules
4 and regulations adopted pursuant to this chapter. Proof of
5 correction shall be presented to the ~~bureau~~ board, through its
6 ~~bureau chief executive officer~~, in a time and manner prescribed by
7 the ~~bureau~~ board. The ~~bureau~~ board may, in its discretion, extend
8 for a reasonable period the time within which to correct the
9 violation upon the showing of good cause. Notices of correction
10 filed after the prescribed date shall not be acceptable and the
11 administrative fine shall be paid.

12 *SEC. 62. Section 7410 of the Business and Professions Code*
13 *is amended to read:*

14 7410. Persons to whom a notice of violation or a citation is
15 issued and an administrative fine assessed may appeal the citation
16 to a disciplinary review committee established by ~~regulation by the~~
17 ~~director~~ the board. All appeals shall be submitted in writing to the
18 program within 30 days of the date the citation was issued. Appeals
19 of citations that are not submitted in a timely manner shall be
20 rejected.

21 After a timely appeal has been filed with the program, the
22 administrative fine, if any, shall be stayed until the appeal has been
23 adjudicated.

24 Persons appealing a citation, or their appointed representatives,
25 shall appear in person before the disciplinary review committee.
26 The appellant may present written or oral evidence relating to the
27 facts and circumstances relating to the citation that was issued.
28 Following an appeal before a disciplinary review committee, the
29 disciplinary review committee shall issue a decision, based on
30 findings of fact, which may affirm, reduce, dismiss, or alter any
31 charges filed in the citation. In no event shall the administrative
32 fine be increased. The appellant shall be provided with a written
33 copy of the disciplinary review committee's decision relating to
34 the appeal.

35 *SEC. 63. Section 7414.1 of the Business and Professions Code*
36 *is amended to read:*

37 7414.1. All records required by law to be kept by tanning
38 facilities subject to the Filante Tanning Facility Act of 1988
39 (Chapter 23 (commencing with Section 22700) of Division 8),
40 including, but not limited to, records relating to written warning

statements, the sign required to be posted, the qualifications of facility operators, statements of acknowledgment, parental consent forms, and injury reports, shall be open to inspection by the ~~bureau~~ board, or its authorized representatives, during any inspection, or during any investigation initiated in response to a complaint that the tanning facility has violated any provision of the Filante Tanning Facility Act of 1988. A copy of any or all of those records shall be provided to the ~~bureau~~ board, or its authorized representatives, immediately upon request.

SEC. 64. Section 7414.3 of the Business and Professions Code is amended to read:

7414.3. (a) Any representative of the ~~bureau~~ board designated by the director shall have the authority to issue a written notice to appear in court pursuant to Chapter 5c (commencing with Section 853.5) of Title 3 of Part 2 of the Penal Code. Representatives so designated are not peace officers and are not entitled to safety member retirement benefits, as a result of that designation. Except as otherwise provided, the representative's authority is limited to the issuance of written notices to appear for infraction violations of the Filante Tanning Facility Act of 1988 and only when the violation is committed in the presence of the representative.

(b) There shall be no civil liability on the part of, and no cause of action shall arise against, any representative, acting pursuant to subdivision (a) and within the scope of his or her authority, for false arrest or false imprisonment arising out of any arrest which is lawful or which the representative, at the time of that arrest, had reasonable cause to believe was lawful.

(c) This section shall become effective July 1, 1994.

SEC. 65. Section 7414.4 of the Business and Professions Code is amended to read:

7414.4. The ~~bureau~~ board, and its authorized representatives, may disseminate information to tanning facilities regarding compliance with the Filante Tanning Facility Act of 1988.

SEC. 66. Section 7414.6 of the Business and Professions Code is amended to read:

7414.6. The ~~bureau~~ board may adopt regulations concerning the operation of tanning facilities in licensed establishments.

SEC. 67. Section 7415 of the Business and Professions Code is amended to read:

7415. Licenses issued under this chapter, unless specifically excepted, shall be issued for a two-year period and shall expire at midnight on the last day of the month of issuance by the ~~bureau board~~.

SEC. 68. Section 7416 of the Business and Professions Code is repealed.

~~7416. The bureau shall, with the cooperation of the department, modify its license renewal applications to all licensees to designate whether or not they are currently employed in the occupation for which they are licensed.~~

SEC. 69. Section 7421 of the Business and Professions Code is amended to read:

7421. The fees shall be set by the ~~bureau board~~ board, within the limits set forth in this article, in amounts necessary to cover the expenses of the ~~bureau board~~ board in performing its duties under this chapter.

SEC. 70. Section 7422 of the Business and Professions Code is amended to read:

7422. All fees collected on behalf of the ~~bureau board~~ board and all receipts of every kind and nature, shall be reported to the Controller at the beginning of each month for the month preceding. At the same time the entire amount of collections shall be paid into the State Treasury, and shall be credited to the Barbering and Cosmetology Contingent Fund, which fund is hereby created.

The moneys in the contingent fund shall be appropriated to the ~~bureau board~~ board pursuant to the annual Budget Act and out of it shall be paid all salaries and all other expenses necessarily incurred in carrying into effect this chapter.

SEC. 71. Section 7423 of the Business and Professions Code is repealed.

~~7423. The amounts of the fees required by this chapter relating to licenses for individual practitioners are as follows:~~

~~(a) Cosmetologist application, examination and initial license fee shall be not more than fifty dollars (\$50).~~

~~(b) Esthetician application, examination and initial license fee shall be not more than forty dollars (\$40).~~

~~(c) Manicurist application, examination and initial license fee shall be not more than thirty-five dollars (\$35).~~

~~(d) Barber application, examination and initial license fee shall be not more than fifty dollars (\$50).~~

~~(e) Electrologist application, examination and initial license fee shall be not more than fifty dollars (\$50).~~

~~(f) Apprentice application and license fee shall be not more than twenty-five dollars (\$25).~~

~~(g) The license renewal fee for individual practitioner licenses that are subject to renewal shall be not more than fifty dollars (\$50).~~

~~(h) The license renewal delinquency fee shall be 50 percent of the renewal fee in effect on the date of renewal, notwithstanding Section 163.5.~~

~~(i) Any preapplication fee shall be established by the board in an amount sufficient to cover the costs of processing and administration of the preapplication.~~

~~(j) This section shall become operative on July 1, 1992.~~

SEC. 72. Section 7423 is added to the Business and Professions Code, to read:

7423. The amounts of the fees required by this chapter relating to licenses for individual practitioners are as follows:

(a) (1) Cosmetologist application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(2) A cosmetologist initial license fee shall not be more than fifty dollars (\$50).

(b) (1) An esthetician application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(2) An esthetician initial license fee shall not be more than forty dollars (\$40).

(c) (1) A manicurist application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(2) A manicurist initial license fee shall not be more than thirty-five dollars (\$35).

(d) (1) A barber application and examination fee shall be the actual cost to the board for developing, purchasing, grading, and administering the examination.

(2) A barber initial license fee shall be not more than fifty dollars (\$50).

1 (e) (1) A electrologist application and examination fee shall
2 be the actual cost to the board for developing, purchasing,
3 grading, and administering the examination.

4 (2) An electrologist initial license fee shall be not more than
5 fifty dollars (\$50).

6 (f) An apprentice application and license fee shall be not more
7 than twenty-five dollars (\$25).

8 (g) The license renewal fee for individual practitioner licenses
9 that are subject to renewal shall be not more than fifty dollars
10 (\$50).

11 (h) Notwithstanding Section 163.5 the license renewal
12 delinquency fee shall be 50 percent of the renewal fee in effect on
13 the date of renewal.

14 (i) Any preapplication fee shall be established by the board in
15 an amount sufficient to cover the costs of processing and
16 administration of the preapplication.

17 SEC. 73. Section 7423.5 of the Business and Professions Code
18 is repealed.

19 ~~7423.5.—The amounts of the fees payable under this chapter~~
20 ~~relating to licenses for instructor are as follows:~~

21 ~~(a) The fee for instructor application, examination, and initial~~
22 ~~license shall be not more than fifty dollars (\$50).~~

23 ~~(b) The license renewal fee shall be not more than fifty dollars~~
24 ~~(\$50).~~

25 ~~(c) The license renewal delinquency fee shall be 50 percent of~~
26 ~~the renewal fee in effect on the date of renewal, notwithstanding~~
27 ~~Section 163.5.~~

28 Code is amended to read:

29 7303. (a) Notwithstanding Article 8 (commencing with
30 Section 9148) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of
31 the Government Code, there is in the Department of Consumer
32 Affairs the State Board of Barbering and Cosmetology in which
33 the administration of this chapter is vested.

34 (b) The board shall consist of nine members. Five members
35 shall be public members and four members shall represent the
36 professions. The Governor shall appoint three of the public
37 members and the four professions members. The Senate
38 Committee on Rules and the Speaker of the Assembly shall each
39 appoint one public member. Members of the board shall be
40 appointed for a term of four years, except that of the members

1 appointed by the Governor, two of the public members and two of
2 the professions members shall be appointed for an initial term of
3 two years. No board member may serve longer than two
4 consecutive terms.

5 (c) The board shall appoint an executive officer who is exempt
6 from civil service. The executive officer shall exercise the powers
7 and perform the duties delegated by the board and vested in him
8 or her by this chapter. The appointment of the executive officer is
9 subject to the approval of the director. In the event that a newly
10 authorized board replaces an existing or previous bureau, the
11 director may appoint an interim executive officer for the board
12 who shall serve temporarily until the new board appoints a
13 permanent executive officer.

14 (d) The executive officer shall provide examiners, inspectors,
15 and other personnel necessary to carry out the provisions of this
16 chapter.

17 (e) This section shall become inoperative on July 1, _____, and,
18 as of January 1, _____, is repealed, unless a later enacted statute,
19 which becomes effective on or before January 1, _____, deletes or
20 extends the dates on which it becomes inoperative and is repealed.

